

Notice of Allowability

Application No.

09/760,062

Examiner

Mark Fadok

Applicant(s)

CONNORS ET AL.

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6/21/2006.
2. ☒ The allowed claim(s) is/are 2-7,9-14,16-21 and 23-42.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 6/7/2006
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

Response to Amendment

The examiner is in receipt of applicant's RCE filed 2/27/2006 and applicant's amendment received 6/21/2006. The examiner has carefully considered the arguments and amendment provided by the applicant and has found them to be persuasive, therefore the following reasons for allowance are provided:

Claim 29 directed to an allowable product. Pursuant to the procedures set forth in MPEP § 821.04(B), claims 23-28,30,32,34-39 directed to the process of making or using an allowable product, previously withdrawn from consideration as a result of a restriction requirement, are hereby rejoined and fully examined for patentability under 37 CFR 1.104.

Because all claims previously withdrawn from consideration under 37 CFR 1.142 have been rejoined, the restriction requirement as set forth in the Office action mailed on 11/3/2004 is hereby withdrawn. In view of the withdrawal of the restriction requirement as to the rejoined inventions, applicant(s) are advised that if any claims including all the limitations of an allowable product claim or rejoined process claim are presented in a continuation or divisional application, such claims may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Kent Chambers on 6/21/2006.

Delete claims in amendment dated 2/27/2006 and insert claims from amendment received 6/21/2006.

Allowable Subject Matter

Claims 2-7,9-14,16-21 and 23-42 are allowed.

The following is an examiner's statement of reasons for allowance of independent claims 29,31,33,35 and 37:

Regarding claim 29,31,33,35 and 37

The prior art of record neither anticipates nor fairly and reasonably teaches a method, computer system and computer product to provide an auto-generate request, separate from the received data, from the first computer system to automatically generate a second a second product configuration that is comparable to the first product

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configuration, wherein the auto-generate request includes data representing criteria to establish a basis for comparability between the first product configuration and the second product configuration, *inter alia*, an auto-generate request, separate from the received data, from the first computer system to automatically generate a second product configuration that is comparable to the first product configuration, wherein the auto-generate request includes data representing criteria to establish a basis for comparability between the first product configuration and the second product configuration .

Discussion of most relevant art:

US Patents and PG-PUB

(i) US Patent to Ahluwalia (6,728,685) discloses a method for determining a configuration and establishing a comparison. Ahluwalia, however fails to anticipate or render the application's above-mentioned limitation(s) obvious.

(ii) US Patent to Jones (6,332,040) discloses a method for sorting and comparing linear configurations. Jones, however fails to anticipate or render the application's above-mentioned limitation(s) obvious.

(iii) US Patent to Morris et al (5,500,802) discloses a method for creating configurations using templates. Morris, however fails to anticipate or render the application's above-mentioned limitation(s) obvious.

(iv) US Patent to Lynch (5,708,798) discloses a method for configuring systems. Lynch, however fails to anticipate or render the application's above-mentioned limitation(s) obvious.

(v) US Patent to Cicciarelli et al (4,870,571) discloses a method for ensuring device compatability. Cicciarelli, however fails to anticipate or render the application's above-mentioned limitation(s) obvious.

Foreign Patent Documents

(vi) CIPO 2,153,530 (from IDS dated 6/7/2006) to Morgulis et al teaches promoting auto sales through the display of vehicle comparison information. Morgulis however, fails to overcome the instant application.

Non-Patent Literature

(vii) Little teaches a method for displaying automobiles for selection over the internet, however, Little fails to anticipate or render the application's above-mentioned limitation(s) obvious.

Any comments considered necessary by the applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mark Fadok** whose telephone number is **(571) 272-6755**. The examiner can normally be reached Monday thru Thursday 8:00 AM to 5:00 PM.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **receptionist** whose telephone number is **(571) 272-3600**.

Any response to this action should be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, Va. 22313-1450

or faxed to:

(571) 273-8300 [Official communications; including

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After Final communications labeled

"Box AF"]

(571) 273-6755 [Informal/Draft communications, labeled

"PROPOSED" or "DRAFT"]

A handwritten signature in black ink, appearing to read 'Mark Fadok', with a long horizontal flourish extending to the right.

Mark Fadok

Primary Examiner